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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUSAN F. BLOOM; FIDUCIARY TRUST
COMPANY INTERNATIONAL *as*
EXECUTORS OF THE LAST WILL &
TESTAMENT OF ADELE KLAPPER,

Plaintiffs,

v.

JUAN CARLOS EMDEN, MIGUEL ERIC
EMDEN, and NICOLÁS MARCELO
EMDEN,

Defendants.

No. 19-CV-10155 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Pending before the Court is Defendants' Motion to Dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(2). Oral argument on the pending motion will be held via videoconference on Microsoft Teams on February 18, 2022 at 12:30 p.m. If the proposed time is inconvenient for the parties, they are directed to confer before suggesting alternative times to the Court. The Court will email the parties the Microsoft Teams link and will post the dial-in information to the docket for members of the public in advance of the argument.

Prior to oral argument, the Court requests briefing on the following questions:

1. Given that Plaintiffs have sufficiently alleged that the painting at issue is physically located within the Southern District of New York, Compl. ¶ 31, does the Court have *in rem* jurisdiction over this declaratory judgment action? *See, e.g., Carlson v. Cuevas*, 932 F. Supp. 76 (S.D.N.Y. 1996); *Stein v. Annenberg Research Inst.*, No 90-CV-5224 (LLS), 1991 WL 143400 (S.D.N.Y. July 19, 1991).
2. To the extent Plaintiffs have pled, or if given the opportunity, could plead in an amended complaint, a claim that Defendants tortiously interfered with Plaintiffs' ability to sell the painting, and if the Court were to find personal jurisdiction over Defendants under either C.P.L.R. §§ 302(a)(2) or 302(a)(3) with respect to that claim, would the Court also have personal jurisdiction over Defendants with respect to the claim for declaratory judgment?

The parties shall each file a letter no longer than five pages addressing these issues on or before January 21, 2022. To the extent either party seeks to respond further, they may do so by January 28, 2022.

Dated: January 7, 2022
New York, New York

A handwritten signature in blue ink, appearing to be 'RA' followed by a long horizontal stroke.

Ronnie Abrams
United States District Judge